

97-84003-25

Root, Elihu

Address of Honorable
Elihu Root, at dinner

[New York]

[1915]

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18, 1915.
14 p. 23 cm.

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TECHNICAL MICROFORM DATA

FILM SIZE: 35mm

REDUCTION RATIO: 11:1

IMAGE PLACEMENT: IA (IIA) IB IIB

DATE FILMED: 1-14-97

INITIALS: JB.

TRACKING #: MSH 20398

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ADDRESS

OF

Honorable ELIHU ROOT

AT

DINNER TENDERED HIM

BY

THE REPUBLICAN CLUB

OF THE

CITY OF NEW YORK

ASTOR HOTEL, NEW YORK CITY

October 18. 1915

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Ms. 16-1415-83 Q

HON. ELIHU ROOT: Mr. President, old friends and brethren of the Republican Club: I need not tell you, I cannot tell you, how deeply I am affected by this warmth of greeting and this assurance of the endurance of old friendship. It is just about twenty years since you did me the honor to make me the President of this club, immediately following the Constitutional Convention of 1894. And now, after twenty years of life, with its struggles, with its expense of energy, with all the writing of life into the history of our State and our Country, we have come again to the close of another Constitutional Convention, and you are greeting me once again with the warmth and loyalty of friendship that forbids any man to say that the people of a republic are ungrateful, or that the generous emotions and the loyal sentiments of true friendship are not a mighty power, transcending the materialism and the selfishness in the race for advantage and for property and for fame in this Republic. (Applause.) We have met many times, my friends, following the standard of some admired and beloved leader; often we have fought together to carry the standard of the party to victory, often we have gathered resolution in defeat to advance again for victory in the next election. (Applause.) The interests of personality, of living issues that immediately and directly affect our own fortunes, and the welfare of our communities, have been with us plain, and clear, and vivid when we have met before. We have sought to make our friend our leader, Governor or President; but now we have a cold, dry, uninteresting question: A constitution of the State, prolix and complicated, with matters of dull governmental machinery affected, little or nothing to cause excitement, little or nothing to awaken public interest, yet, my friends, the issue, the

cold, dry, uninteresting issue that is before us now transcends the interest and the importance of any success of any man in any election for which we have striven. (Applause.) We have passed in America that happy period of youth in which we could make mistakes without suffering for them. We have passed that condition of simple governmental affairs when anyone could do anything under any system, and the vast complication and difficulty of our government is pressing home upon the welfare and the happiness and the liberty of our people. The test of capacity for self-government is to be found in the people's ability to create institutions which will at once preserve liberty and maintain order. (Applause.)

For five months, and something more, a body of men, elected by the people of the State of New York, two-thirds of them Republicans, some of them elected in the State at large, holding their places by over one hundred thousand majority, have been applying themselves and laboring to reach just conclusions upon the government of the State of the utmost importance. They have produced a constitution as the result of listening to many witnesses, of securing much advice, of long and thorough study, of complete and full discussion, of reconciliation of views, of subordination of the less important to the more important,—and this has resulted in a revised constitution of the State. It is not a thing of shreds and patches, it is not a thing to be considered according to the individual predilections of this man or that upon this particular subject or the other; it is a whole, a complete rounded whole, and, as a whole, the determination of the people of the State upon it is the most grave and serious determination which the people of the State have had to meet in many a decade.

Let me, if I can within the brief limits possible to such an occasion, try to state what it is. When the Constitutional Convention delegates, whom you elected, addressed themselves to considering the government of the State, they found that there were serious defects in all three branches of our government.

Our judicial procedure was complicated, technical and full of subtleties, and with a multitude of statutory provisions relating to procedure, which made it difficult for a plain and honest man to come into court and get his rights. The procedure had been built up by year after year of separate and specific code provisions and code amendments, which, taken all together, have created a multitude of statutory rights in the way of procedure that make it almost impossible for a litigation to be brought to a prompt and inexpensive conclusion.

We found that the executive branch of our government was ill-compacted, confused, extravagant, subject to no effective control; over one hundred and fifty agencies, great and small, all over the State, were carrying on business, and responsible, practically, to no one. Everyone spent all the money he could get, everyone acted in accordance with his own judgment. Good men, honest men, trying to do their duty, but none of them held to responsibility or subject to the effective control and limitations of inspection and supervision.

We found that the Legislature had declined in public esteem; we found that the members of the Legislature, a very large proportion of them, were going to Albany with local and private bills, and special interests which they wished to subserve, and that every man who had a special bill and a special interest was made a coward and prevented from doing his duty toward the general interests of the State. (Applause.)

We found that the continually increasing tendency of the Legislature to exercise its powers for the playing of politics, was making our government the means of securing personal advantage, personal appointments to office, personal appropriations out of the treasury of the State; and we sought, with all sincerity and earnestness within our power, to find remedies for those evils in the three great departments of the State.

We sought to deal with one by requiring the Legislature again, as the Constitutional Convention of 1846 did, to return to simplicity and effectiveness of procedure in the attainment of justice. We undertook to require the Legislature to pass a brief and simple practice act, and sweep away all this great body of statutory rights in procedure and leave the regulation of the rules under the general provisions of the practice act to the courts, so that our judges on the bench would be permitted to do justice in the particular case, instead of making men run the gauntlet of these acute and subtle and technical barriers to the attainment of their rights, which have been a disgrace to the administration of justice in this State. (Applause.)

In the executive department, we sought to apply the rule of responsibility, and to give men who are elected by the people the power which would make it possible to hold them responsible. We undertook to condense all those one hundred and fifty-two agencies of the State into seventeen departments; we undertook to require that the overlapping and the interference, and the useless expenditure of money should be done away with, by putting all those agencies into a limited number of departments, under one head that would be responsible and that could be held responsible by the governor of the State who himself can be held responsible by the people of the State

because they will have given him power upon which they can hold him responsible. (Applause.)

And we undertook to rehabilitate the Legislature of the State, not by any one provision—that was impossible—but by a series of provisions, and that is the central idea of the whole constitutional scheme included in this revision. In the first place, we found the Legislature making up the appropriation bills, making them up in the dark, with suggestions for appropriations coming to the committees in private, in secret, coming from everyone, responsible or irresponsible, coming from the members of the Legislature themselves, each one wanting something, each one trying to get something for his constituency, appropriation bills brought out late in the session, running along on the calendar until the close of the session, and then, under an emergency passage, not printed, not discussed, not understood, passed by the Legislature, then the Legislature adjourning and the Governor left with thirty days in which to sit down in the privacy of his office, with a blue pencil, and control the action of the Legislature. That system was a complete reversal of the true and traditional system of representative government, under which the representatives of the people are to hold the purse strings. The Governor was made to hold the purse strings, and the representatives of the people, instead of controlling expenditure, ran pell mell to increase it. We have reversed it. We have taken this procedure, which stood on its head, turned it around and stood it on its feet (Applause) and we have required, first, the heads of all those departments, the seventeen of them, who are now to be responsible, in the place of the one hundred and fifty-two; we have required them to furnish the Governor in ample time a statement of the needs of their depart-

ments, to be responsible for that statement, to arrange them in the order of their importance, and then we have required the Governor to revise them and cut them down, or hold himself responsible for the amounts. And we have required the Governor, early in the session, to lay that statement of the needs of the executive departments of the whole state government before the Legislature side by side with a statement of the resources of the State from which the appropriations are to be paid. (Applause.) And we have put the Legislature in a position where, instead of making up a statement of appropriations in the dark, they are bound to deal with the Governor's statement of appropriations in public, not to increase them, but to cut them down if they will, or refuse them if they will. And we have given them the right to have the Governor and the heads of departments come before them that they may be interrogated as to why they want the money, what they want it for, why they have to have so much.

And so we have restored the Legislature of the State to the legislative function of a representative assemblage in holding the purse strings.

People talk about its increasing the power of the Governor. It increases the responsibility of the Governor and it increases the power and restores the true function of the Legislature.

More than that, the great weakness of our Legislature is in these private interests that particular members of the Legislature go to Albany to subserve; the local bills, which makes cowards of them all; and we have drawn a ring around them, and we have deprived the Legislature, we have relieved the Legislature of its temptations.

By the home rule provision we have put the initiative as to special and local bills affecting the cities of the State

in the local legislatures and so the members of our Legislature will no longer go to Albany each with his special bill that he has to get through as a condition of being continued in office in that body. All special local legislation is swept away. We have done the same things as to the counties, by a provision that the Legislature shall pass no bills relating to counties except upon the initiative of the counties, the county authorities;—two things that we have relieved the Legislature of. We have relieved them of the multitude of code amendments which come up, each individual coming up with an amendment that he wants for some particular litigation in his own region. We have relieved them from that temptation to turn aside from their proper duties by requiring this brief and simple practice act and leaving the rest to the rules of court, and prohibiting the Legislature from amending the code except at intervals of not less than five years, upon the report of a commission appointed by themselves. We have relieved the Legislature of the great multitude of bills for game laws, local to the last degree, making the game laws in every county different from every other county by providing for a body of nine conservative commissioners, following the plan of the University of the State, with the regents, who, since 1784, have controlled our education. That is four ways in which we have relieved the Legislature.

We have cut off by positive prohibition all that class of bills authorizing the proving of claims against the State, bills by which it is commonly sought to evade the prohibition against legislative auditing of claims. That is another. We have cut off the flood of local improvement bills by prohibiting the passing of any bill for the use of the State's money, in building a culvert in your district, or a bridge in yours, or an embankment in yours,

unless there is filed a plan and an estimate of the cost and a certificate by the superintendent of public works as to whether the interests of the State at large require the improvement to be made. (Applause.)

And now when the members of the Legislature come to Albany, they will have practically nothing to do but to attend to the public business (Laughter and applause) to deal with general laws of the State, to stand against extravagant expenditure in the appropriation bills. We have cut off the right of emergency messages, which had made the old provision of the Constitution of 1894 prohibiting a bill from being passed until it had been for three days in print in its final form, of no avail, because there would come in an emergency message declaring that the public interests required the immediate passage of the bill.

We have cut off these messages so that now no bill can be passed at all until it has been in print, on the desks of the members of both houses, for three full days in its final form. (Applause.)

So we have taken away the temptation to rush things through in the rather discreditable, hurly-burly of the closing days of the session—things that nobody knew anything about and that would not stand having anybody know anything about them. (Laughter.)

And then we have required that the debates of the Legislature shall be printed from day to day just as the debates in Congress are, and the debates in the British House of Commons are, and the debates in the French Chamber are, so that in the first place, the people of the State will know what the men at Albany are doing, and why they are doing it, and so that the Legislature of our State will be an opportunity for an able young man to help himself along in a career. Who knows now—who

knows now why things are done at Albany? Here and there, a newspaper prints something that is said, but the necessities of news service require the striking and the spectacular to be reported, and the dull and uninteresting, real debates, are never known, and as a result, the art of debate has gradually been declining in Albany. Now a young man, if this Constitution is adopted, can go to Albany, and he has got to show what is in him, and if he has anything in him, he can show it and get credit for it, and service in the Legislature will be a stepping stone to preferment in a public career. (Applause.)

And we have taken away the temptation to trade in offices, the temptation to bind the Governor of the State to all sorts of bargains by doing away with the requirement that all of his appointments be confirmed by the State Senate. We have taken away the temptation to pass ripper bills by putting into the Constitution a fixed statement as to the heads of the great departments of the State, so that they cannot be made the football of selfish politics, but must remain the great agencies of true and patriotic politics. (Applause.) We have made it possible for the Legislature of our State to retrieve the good name of the State legislatures of our country; we have made it possible for the Executive of our State to make true the declaration so long standing in our Constitution that the executive power is vested in the governor and to perform the duty so long required of the governor to take care that the laws are executed.

We have made it possible that our courts, who wish to do justice, and will do justice if they are permitted, shall give an honest man his rights as against all shysters whatsoever. (Applause.)

And that is all one comprehensive scheme. You cannot submit it section by section; it is a complete inter-

related, thought-out whole, for the redemption of the government of our State from the ill-repute into which it had fallen, for doing away with the selfish playing of politics in the place of government; for the reduction of the extravagance and lavishness and lack of responsibility that has brought our expenditures up from twelve millions at the time of the last convention, to forty-two millions a year at the time of this convention; that has brought our debt up from seven millions to one hundred and eighty-six millions; that has made our highways and our canals and public works generally the vehicles for graft and robbery of the public.

Now, we may be wrong about some things, but, we are not wrong about the need. No one will challenge the need for an improvement in the government of our State. These men who worked all the five months of the spring and summer, may not have found the true solution, but it is an extraordinary circumstance that after long study and discussion and full and open debate, they came, after all the wide differences of opinion, to an amazing agreement. Twelve of the measures of the Convention were adopted by unanimous vote. Twelve by a vote of more than ten to one, and the remaining nine by votes of more than seven to one, more than four to one, more than three to one, and but three measures by votes of more than two to one. And I will undertake to say that the conclusions upon these grave and serious matters, the reform of the machinery of our State government, reached by these men, selected from among our people after their long study and discussion, with such unanimity, cannot be justly challenged upon five minutes' consideration. We may have been wrong, but the reasons thus far alleged for voting against the Constitution, compared with the weight and seriousness of

the matter which the Constitution carries, and the great results which it seeks to accomplish, are trifling, unworthy of consideration, bear the marks of but little consideration, and seem rather to be a means of excusing an opposition which finds its real origin and cause in something besides the reasons suggested. (Applause.) Now, gentlemen, the Convention had a majority of two-thirds of Republicans in round numbers, two-thirds Republicans, and one-third Democrats. The Republican majority of the Convention, after much discussion and some feeling, reached the conclusion that it could serve its party best by serving its State best, and invited the co-operation, welcomed the assistance of the Democratic minority. We put into that Constitution the affirmative constructive program adopted by the Republican Party of the State by the mass-meeting held in this city on the 5th of December, 1913, at which nearly one thousand Republicans from all over the State were present. We put into it the constructive program which was approved by the Republican Convention at Saratoga, in 1914. We put into it also the agreement of the Democratic Party upon many of the great measures of constructive statesmanship for which the Republican Party had declared, and upon all the great measures of the Convention: Upon the Home Rule Measures; upon the Judiciary Article; upon the Reorganization of the executive department, commonly spoken of as the Short Ballot Bill; upon the Budget reform; upon all the five, the six, great measures which make the body of that revised Constitution, there was a vote not only of a majority of the Republicans, but a majority of the Democrats of the Convention. (Applause.) Now, how can Republicans fail to vote for it? It is their work. It is their program. It is giving effect to their declarations. How can Demo-

crats fail to vote for it? For the best, their best whom they sent to the Convention assented to it; agreed to it; put their thought and effort into it. So many of the eminent, respected, honored Democrats of the State are for it; but I regret to say that there are some men who are so unwilling to see the Constitution adopted which was the work of a Convention having a Republican majority, that they are seeking to do what the Constitutional Convention refused to do; they are seeking to play politics with the Constitution. We thought it was our duty to rise above partisan play of politics and to serve our State; to show that our party sought to gain only by serving the State, and so it was with the great majority of the Democrats in the Convention; but these men, these men are seeking to defeat this Constitution, in order that they may reverse the judgment of 1914 which put Republicans in control of the Convention, hoping that they may have another Convention in 1917 or 1918 that they will control.

Now, great as is the issue of the Constitution, almost as great is the question whether the people of the State of New York can be controlled by that low and unpatriotic view of public duty. (Applause.) If they succeed, who will write the Constitution in 1918? What will be in it? All these schemes of reform of our government will have been discredited. Not these things; oh, no, the people would have voted against them. What will be in it? Dare you think of it? Mr. Gompers is against the Constitution. He was defeated in 1914. If he succeeds, and there is another convention, and he is elected, he will perhaps write the Constitution. I can name a lot of others who think that they will write the Constitution if they can defeat this; but it will have none of this plan of reform, for that will have been defeated by the people.

But there will be no other convention. (Applause.) There will be no other convention, because this Constitution will be adopted. (Applause.) And if it were not, the people of the State, after spending approximately half a million dollars for one convention, are not going to turn around and spend another half million dollars to send a lot of other men to Albany to try their hands at it; and they certainly are not going to send to Albany the men whose views upon the Constitution are exhibited by the published objections to this revision. (Laughter and applause.)

I am told that the great danger to this Constitution lies in the possibility that men may not vote upon it at all. Of course it is very difficult to vote upon a complicated matter which took the Convention five months to work out, upon such consideration as can be given to it by the ordinary business man, by the farmer or the storekeeper, or, indeed, by anyone whose time is occupied in his own affairs. But if we are ever to have a reform of our State which conforms to the necessities of economy and efficiency and the preservation of liberty and order, if we are to keep pace with the learning of our time, as to the methods of transacting business, if we are to make the affairs of government as well administered as the affairs of the great business corporations, the people of the State must take interest enough in such a question as this, either to study it and form their own opinions upon it, or to give the benefit of the presumption to the men whom they elected to work out the problems and to find remedies. (Applause.) And I invoke from you, my friends, earnest and sincere effort to bring to the people of our City and our State an appreciation of the importance of the subject which is before them, and the importance of their acting upon

it, and acting upon it wisely. The Republican Club never had a duty more serious and more clear and if you will perform that duty in the spirit of your past, you will add new lustre to your history and gain new credit as patriots and make me, at least, your long-time friend and loyal associate, more proud than ever of being a member of the Republican Club of the City of New York. (Great applause and cheering.)

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